

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JERAMEY R. BROWN,

Plaintiff,

v.

JOE GULASH, *et al.*,

Defendants.

Case No. 07-cv-370-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Jeramey R. Brown's motion to postpone the hearing on his motion to dismiss (Doc. 222), which is currently set for August 26, 2010. Brown notes that the defendants' later filed motion for summary judgment (Doc. 186) contains all of the same arguments as their motion to dismiss, parts of which have been construed as a motion for summary judgment (Doc. 58). Brown suggests that all issues may be adequately addressed in connection with the later summary judgment motion. Defense counsel does not object to a continuance of the August 26, 2010, hearing.

For reasons of judicial economy and to prevent counsel having to address nearly identical arguments twice, the Court **DENIES without prejudice** the defendants' motion to dismiss (Doc. 58) and will address all the issues therein in connection with the defendants' later filed motion for summary judgment (Doc. 186). Briefing on the later summary judgment motion is likely to be more helpful to the Court because Brown will have the assistance of his recently appointed counsel in responding to that motion. The August 26, 2010, hearing is therefore **VACATED**. The Court **FURTHER ORDERS** that the two pending motions for summary judgment (Docs. 176 & 186) and the pending motion to dismiss (Doc. 199) are no longer referred to Magistrate

Judge Frazier. The motion to postpone the August 26, 2010, hearing (Doc. 222) is rendered

MOOT by this order.

IT IS SO ORDERED.

DATED: August 25, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE